



PTO/SB/21 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	30	Application Number	10/605,486
		Filing Date	10/2/2003
		First Named Inventor	Brian S. Vandrak
		Art Unit	3749
		Examiner Name	Wilson, Gregory A.
	Attorney Docket Number	30816-0041	

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Fee Determination Record Translation of Japanese Patent Return postcard	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Louis F. Wagner
Signature	
Date	October 18, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: October 18, 2004			
MAIL STOP Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450			
Typed or printed	Louis F. Wagner		
Signature		Date	October 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



[Handwritten signature]

Certificate of Mailing / Transmission (37 C.F.R. 1.8(a))

hereby certify that, on the date shown below, this correspondence is being:

MAILING



Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE



Transmitted by facsimile to the Patent & Trademark Office

In the event a fee is required for the filing of the attached document(s) or in implementing the addition of new claims or any claim amendments, and the required fee is not submitted or the fee submitted is incorrect, the Commissioner is hereby authorized to charge any additional fees to effect the filing of this document(s) or credit any overpayment under 37 CFR 1.16 and 1.17 to Account No. 50-0983.

Signature

[Handwritten signature]

Date

10/18/2004

Louis F. Wagner

18 October 2004

(type or print name of person certifying)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Vandrak et al.

Examiner: Wilson, Gregory A.

Serial #: 10/605,486

Art Unit: 3749

Filing Date: 02 October 2003

Date: 18 October 2004

Title: Gas-Fired Portable Unvented Infrared Heater

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Amendment

This communication is in response to the *non-final* Office Action dated 17 August 2004. This response is filed within the three (3) month shortened statutory period and therefore no Petition Request for an Extension of Time accompanies this response. However, if the applicant's attorney is in error, please consider this a Request for an Extension of Time necessary to effect the filing of the same. Please amend the application as follows.

Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims begin on page 4 of this paper.

Amendments to the Drawings begin on page 16 of this paper.

Status & Remarks begin on page 17 of this paper.

35 U.S.C. §112 Arguments begin on page 18 of this paper.

35 U.S.C. §102 Arguments begin on page 18 of this paper.

35 U.S.C. §103 Arguments begin on page 18 of this paper.

Request for Reconsideration begins on page 21 of this paper.

*Buckingham, Doolittle & Burroughs LLP
Louis F. Wagner, Esq.*

*S/N: 10/605,486
October 18, 2004
Response to Office Action dated August 17, 2004
-2-*

Attachments

Fee Determination Sheet.

Translation of *Japanese Patent*